

Message Text

LIMITED OFFICIAL USE

PAGE 01 USUN N 03746 090534Z

13

ACTION L-03

INFO OCT-01 EUR-25 IO-15 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 AF-10 ARA-16 EA-11 NEA-10 CPR-02

DRC-01 /181 W

----- 048846

R 090416Z OCT 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 9994

INFO AMEMBASSY PARIS

LIMITED OFFICIAL USE USUN 3746

E.O. 11652: N/A

TAGS: PINS, UNGA

SUBJECT: UNGA- LEGAL COMITE - PROTECTION OF DIPLOMATS

REF: (A) USUN 3582 (NOTAL)

(B) USUN 3673 (NOTAL)

(C) PARIS 26073

1. AT EVENING VANBRUSSELEN GROUP MEETING OCT 8 DELOFF
REVIEWED CALL ON GROUP TO ABIDE BY POSITIONS
AGREED IN GROUP MEETINGS AND SUBMERGE MINOR VARIATIONS
IN POSITIONS IN INTEREST OF SUCCEEDING IN ADOPTION OF
CONVENTION ON PROTECTION OF DIPLOMATS. (THIS PROMPTED
BY SPATE OF UNCOORDINATED PROPOSALS MADE IN FULL 6TH
COMITE MEETINGS BY WEO GROUP MEMBERS OCT8, REPORTED
SEPTEL.) APPEAL WAS SECONDED BY BELGIUM AND CANADA.

2. FRENCH DEFENDED INTRODUCTION OF AMENDMENT CONTAINING
TOTALLY NEW VERSION IN GROUP ON GROUND THAT THEY HAD INTENDED
INTRODUCE THIS AMENDMENT OCT 9 BUT CHAIRMAN GONZALEZ-
GALVEZ SAID THAT THIS WOULD BE TOO LATE, FORCING THEM
TO TABLE TEXT OCT8. CONTRARY TO FREHCN
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 USUN N 03746 090534Z

POSITION DESCRIBED IN REF (C) , NEW FRENCH FORMULATION FOR

THIS ARTICLE WOULD CLEARLY COVER ALL OFFICIALS OF INTERNATIONAL ORGANIZATIONS (INCLUDING UNESCO SECRETARIAT), WHILE UK AMENDMENT THAT VANBRUSSELEN GROUP HAD AGREED ON ONLY COVERED IO OFFICIALS WHO HAD FULL DIPLOMATIC P AND I. IRONICALLY, FRENCH (NOUANNEAU) DEFENDED WHAT WAS PREFERRED US POSITION FAVORING WIDE SCOPE OF CPD WHILE REST OF GROUP ARGUED IN SUPPORT OF UK TEXT, NOTING THAT SUCH COUNTRIES AS CAMEROON AND JAMAICA HAD IMMEDIATELY FOUND DIFFICULTIES WITH NEW FRENCH AMENDMENT. COMMENT; EITHER FRENCH POSITION HAS CHANGED DRASTICALLY SINCE OCT 5 OR FREENCH CRAFTILY TRYING TO PREVENT ADOPTION OF CONVENTION BY INTRODUCING MAJOR CHANGE AT LAST MINUTE, TOWARDS END OF DEBATE ON ARTICLE 1, AND WITHOUT ANY PRIOR CONSULTATIONS. END COMMENT.

3. GROUP AUTHORIZED BRITISH TO AGREE TO TRADE OFF WHEREBY THEY AGREE TO SOVIET AMENDMENT TO ARTICLE 1(1)(B) (SEPTTEL) ON "COLLEGIAL" HEADS OF STATE IN RETURN FOR SOVIET AGREEMENT TO ASPECTS OF UK AMENDMENT CONCERNING TIME AND PLACE AND CONCERNING NATURE OF "SPECIAL PROTECTION."

4. GROUP AGREED TO OPPOSE SOVIET AMENDMENTS TO ARTICLE 2 (A/C6/L.906) (TRANSMITTED SEPTTEL).

5. AS ANTICIPATED PARA 3 OF REF (B), JAPANESE ANNOUNCED THAT THEY HAD DECIDED, WHILE FULLY SUPPORTING BELGIUM AMENDMENTS TO ARTICLE 2 (A/C/6/L.904) (TRANSMITTED SEPTTEL), SEPARATELY TO INTRODUCE (CONTRARY TO AGREEMENT IN VAN BRUSSELEN BROUP) AN AMENDMENT REQUIRING THAT THE ALLEGED OFFENDER KNOW, OR HAVE REASONE TO KNOW, OFFICIAL STATUS OF VICTIM (ALONG LINES OF LANGUAGE TRANSMITTED IN REF (A) . COMMENT: EVEN BELGIAMS, WHO FAVOR THIS LANGUAGE, AGREED TO PUT IN AMENDMENT WITHOUT IT IN INTEREST OF GROUP POSITION. END COMMENT.

6. UK CIRCULATED TEXT OF PROPOSAL ON JURISDICTION AGREED BY UK AND JAPAN(WITH DELOFF PRESENT) OCT6. TEXT TRANSMITTED PARA 7 BELOW. ALL IN GROUP EXCEPT JAPANESE, FAVORED INCLUSION OF LANGUAGE SUBPARAGRAPH(C), BRAKETED IN ARTICLE 2A(1) . JAPANESE AGREED TO SEEK INSTRUCTIONS ALLOWING LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 USUN N 03746 090534Z

THEM TO INCLUDE SUBPARA (C) IN TEXT OG AMENDMENT, WHICH THE AGREED TO INTRODUCE. IN CASE JAPANESE NOT AUTHORIZED TO INTRODUCE SUBPARA (C) , IT AGREED NETHERLANDS WOULD INTRODUCE IT AS SUBAMENDMENT IN ORDER TO GET LANGUAGE BEFORE 6 TH COMMITTEE. REGARDING LANGUAGE IN PARA 2 TO ARTICLE 2A, MATERIAL CONTAINED IN FIRST PARENTHETICAL IS THAT AGREED OCT 6 BY JAPAN -UK- US(AND PARALLELS HAGUE CONVENTION). SECOND PARAETHETICAL CONTAINS LANGUAGE IN VERSION

JAPANESE SAID THEY SUPPORTING OCT8. US DEL UNCERTAIN WHICH
VERSION WILL APPEAR WHEN TEXT OF JAPANESE AMENDMENT CIRCULATED
BY SECRETARIAT.

7. BEGIN TEXT:

AMENDMENTS TO ARTICLE 2 OF THE ILC DRAFT

DELETE "WHETHER THE COMMISSION OF CRIMES OCCURS WITHIN OR
OUTSIDE OF ITS TERRITORY" FROM PARAGRAPH 1 OF ARTICLE 2.

DELETE PARAGRAPH 3 OF ARTICLE 2 AND INSERT A NEW ARTICLE 2A
AS FOLLOWS:

"ARTICLE 2A

1. EACH STATE PARTY SHALL TAKE SUCH MEASURES AS MAY BE NE-
CESSARY TO ESTABLISH ITS JURISDICTION OVER THE CRIMES MENTIONED
IN PARAGRAPH 1 OF ARTICLE 2 IN THE FOLLOWING CASES:

(A) WHEN THE CRIME IS COMMITTED IN THE TERRITORY OF THAT
STATE OR ON BOARD A SHIP OR AIRCRAFT REGISTERED IN THAT
STATE;

(B) WHEN THE ALLEGED OFFENDER IS A NATIONAL OF THAT STATE;

(C) WHEN THE CRIME IS COMMITTED AGAINST AN INTERNATIONALLY
PROTECTED PERSON WHO ENJOYS HIS STATUS AS SUCH BECAUSE
OF DIPLOMATIC OR OTHER FUNCTIONS EXERCISED ON BEHALF
OF THAT STATE.

2. EACH STATE PARTY SHALL LIKEWISE TAKE SUCH MEASURES AS
MAY BE NECESSARY TO ESTABLISH ITS JURISDICTION OVER THESE
CRIMES IN THE CASE WHERE THE ALLEGED OFFENDER IS PRESENT IN ITS
TERRITORY AND IT DOES NOT EXTRADITE HIM PURSUANT TO ARTICLE 7
TO ANY OF THE STATES(MENTIONED IN PARAGRAPH 1 OF THIS ARTICLE)
(REQUESTING THE EXTRADITION OF THE ALLEGED OFFENDER).

UNQUOTE

SCALI

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: willialc
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN03746
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731042/aaaabeza.tel
Line Count: 145
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) USUN 3582 (NOTAL)
Review Action: RELEASED, APPROVED
Review Authority: willialc
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by smithjr>; APPROVED <21-Nov-2001 by willialc>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA- LEGAL COMITE - PROTECTION OF DIPLOMATS
TAGS: PINS, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005